

PDC Interpretation

APPROVAL DATE:	June 29, 1994 Amended April 26, 2012	NUMBER:	94-02
STATUS:	Effective June 29, 1994	SUPERSEDES:	94-01
REFERENCES:	RCW 42.17A.005 RCW 42.17A.125 RCW 42.17A.405 RCW 42.17A.420(1) WAC 390-05-400 WAC 390-17-030 <i>Family PAC v. McKenna et al.</i> , 9 th Circuit Court of Appeals Nos. 10-35832 and 10-35893 (Dec. 29, 2011). Former RCW 42.17.105(8), RCW 42.17.640		
APPROVED BY:	The Commission		

State and Local Party Organizations: Intra-Party Transfers and Federal Accounts of Party Organizations

Bona Fide Political Party

Interpretation: The Commission interprets the definition of “bona fide political party,” contained in [RCW 42.17A.005\(6\)](#)¹ as excluding the national party committee of a political party and the federal committee (account) of a state or local party organization.

Effect of Interpretation: Neither a national party committee nor a federal committee (account) of a state or local party organization may contribute in excess of the following limits pursuant to [RCW 42.17A.405](#)² and [RCW 42.17A.420\(1\)](#),³

¹ See [WAC 434-208-130](#) for definition of “minor political party.”

² At the beginning of even-numbered years, the Commission adjusts contribution limits in accordance with [RCW 42.17A.125](#). See [WAC 390-05-400](#) for current limits in effect.

- to a candidate for state legislative office, county office, mayor, or city council, \$900 in the aggregate per election;⁴
- to a candidate for statewide executive office or commissioner in port districts with over 200,000 registered voters, \$1,800 in the aggregate per election;
- to a bona fide political party's state non-exempt account, \$4,500 in the aggregate per year;
- to a caucus of the legislature, \$900 in the aggregate per year; and
- during the 21 days before the general election, to a candidate for local office, or any other state political committee (including the exempt account of a bona fide political party), \$5,000 in the aggregate.⁵

A national party committee or the federal committee (account) of a state or local party organization may make unlimited contributions to a political party's (state, county, or legislative district) exempt account.

Joint Federal / Non-Federal Expenses

Interpretation: The Commission interprets the definition of "contribution" contained in [RCW 42.17A.005\(13\)](#) to include:

- the production and distribution of slate cards or campaign materials supporting or opposing the election of a specific candidate unless the material produced is a sample ballot or slate card that conforms to [RCW 42.17A.405\(15\)](#) and [WAC 390-17-030](#); or
- expenditures in direct support of, or fundraising on behalf of, a specific candidate that are not otherwise exempted as independent expenditures or electioneering communications.

Effect of Interpretation: That portion of an expenditure constituting a contribution to a candidate subject to contribution limits by the federal account of a state or local party

³ [RCW 42.17A.420\(1\)](#) prohibits a candidate for statewide office from receiving aggregate contributions exceeding \$50,000 and all other candidates and political committees from receiving aggregate contributions exceeding \$5,000 within 21 days of a general election. By law, this prohibition does not apply to contributions made by or accepted from a bona fide political party's state committee. The prohibition also does not apply to ballot measure committees, pursuant to the federal court ruling in *Family PAC v. McKenna et al.*, 9th Circuit Court of Appeals Nos. 10-35832 and 10-35893 (Dec. 29, 2011).

⁴ Candidates for school board are subject to contribution limits effective June 2012. Chap. 202, Laws of 2012 (HB 2210).

⁵ See footnote two.

organization, or by the state account of a state or local party organization, is subject to the state statutory limit imposed on the respective account. (That is, the federal account is subject to limits on contributions it makes as outlined above. The state non-exempt account of a state party organization may contribute to these candidates during an election cycle no more than \$.90 times the number of registered voters in the candidate's jurisdiction. The state non-exempt accounts of all local party organizations in a candidate's district may, during an election cycle, jointly contribute \$.45 times the number of registered voters in the candidate's jurisdiction.) Once a federal account of a state or local party organization reaches its contribution limit with respect to a candidate subject to limits, the non-exempt account of the state or local party organization must be used to make any additional contributions by the state or local party organization to that candidate up to the maximum allowed by state law.

Intra-Party Transfers

Interpretation: Pursuant to [RCW 42.17A.405](#) and [WAC 390-17-060](#) neither the national party committee of a political party nor the federal committee (account) of a state or local party organization may contribute in excess of \$4,500 in the aggregate per calendar year to the state non-exempt account of a state or local party organization. Except during the 21 days before the general election, the national party committee or a federal committee (account) of a state or local party committee may give unlimited contributions to the state exempt account of a state or local party organization. See above for details on the limit imposed by state law during the 21 days before the general.

Re-Assignment of Contributions

If a state or local party organization deposits contributions into its federal account that are otherwise legally eligible for deposit into its state non-exempt account pursuant to [RCW 42.17A.405](#) and this interpretation, the party organization may, using the Last In, First Out accounting method, re-assign these legally permissible state funds to its state non-exempt account so long as the original contributors remain eligible to donate to the party's non-exempt state account, the reassignment is accompanied by a C-3 report showing the original source of each contribution making up the reassignment, along with the other information required by the C-3 report, the deposit of the re-assigned contributions occurs prior to the expenditure being made or obligated, and the expenditure is properly reported as part of the C-4 report.

Re-assignment of legally permissible state funds from the party organization's federal account to its state non-exempt account does not constitute a transfer as discussed above.

Additional Information

Also see the following materials for an explanation and justification for the interpretations reflected above:

- Memo dated April 19, 1994 to Public Disclosure Commission Members from Vicki L. Rippie, PDC Assistant Director for Public Information and Policy Development, re “Federal Political Committees of State Party Organizations”
- FEC Allocation Regulations for State and Local Party Organizations with Federal and State Accounts” (Source - PDC Staff)
- “FEC Regulations Re Intra-Party Transfers” (Source - PDC Staff)
- “Contribution Flow Chart” (Source - PDC Staff)